353D.02 ELECTION OF COVERAGE.

Subdivision 1. **Local government officials.** Eligible elected or appointed local government officials may elect to participate in the defined contribution plan within the first 30 days of taking public office by completing and signing a membership election on a form prescribed by the executive director of the association authorizing contributions to be deducted from the official's salary. Participation begins on the first day of the pay period for which the contributions were deducted or, if pay period coverage dates are not provided, the date on which the membership election or contributions are received in the office of the association, whichever is received first, provided further that the membership election is received by the association within 60 days of taking office. An election to participate in the plan is irrevocable.

Subd. 2. **Eligible physicians.** Eligible physicians may elect to participate in the defined contribution plan within the first 30 days of commencing employment with a government subdivision under section 353.01, subdivision 6, by completing and signing a membership election on a form prescribed by the executive director of the association authorizing contributions to be deducted from the physician's salary and filing the membership election with the association within 60 days of commencing employment. Participation begins on the first day of the pay period for which the contributions were deducted. An election to participate in the defined contribution plan is irrevocable.

Subd. 3. **Eligible ambulance service personnel.** Each public ambulance service with eligible personnel may elect to participate in the plan. If a service elects to participate, its eligible personnel may elect to participate or decline to participate. An individual's membership election must be made within 30 days of the service's election to participate or within 30 days of the date on which the individual began employment with the service or began to provide service for it, whichever date is later. The membership election must be received by the association within 60 days of the service's election to participate or within 60 days of the date on which the individual first began employment, whichever is later. An election by a service or an individual is irrevocable.

Subd. 4. **Eligible rescue squad members.** (a) The municipality or county, as applicable, associated with a rescue squad under section 353D.01, subdivision 2, paragraph (a), clause (4), may elect to participate in the plan. If the municipality or county, as applicable, elects to participate, the eligible personnel may elect to participate or decline to participate. An eligible individual's membership election must be made within 30 days of the municipality's or county's election to participate or within 30 days of the date on which the individual first began employment with the rescue squad, whichever is later. The membership election must be received by the association within 60 days of the municipality's or county's election to participate or within 60 days of the date on which the individual first began employment, whichever is later. The municipality or county, as applicable, must specify by resolution eligibility requirements for rescue squad personnel which must be satisfied if the individual is to be authorized to make the membership election under this subdivision.

(b) An eligible member under section 353D.01, subdivision 2, paragraph (a), clause (5), may elect to participate or decline to participate in the plan within 30 days of the date on which the member first begins service with the rescue squad.

(c) Elections under this subdivision by a government unit or individual are irrevocable.

Subd. 5. **St. Paul Port Authority personnel.** Employees of the Port Authority of the city of St. Paul who do not elect to participate in the general employees retirement plan may elect within the first 30 days of commencing employment to participate in the plan by completing and signing a membership election on a form prescribed by the executive director of the association authorizing contributions to be deducted from

the employee's salary. Participation begins on the first day of the pay period for which the contributions were deducted or, if pay period coverage dates are not provided, the date on which the membership election or the contributions are received in the office of the association, whichever is received first, provided the membership election is received by the association within 60 days of commencing employment. An election to participate in the plan is irrevocable.

Subd. 6. **City managers.** Any city manager who elected to be excluded within 30 days of commencing employment from the general employees retirement plan of the Public Employees Retirement Association under section 353.028, subdivision 2, and who entered into an agreement under section 353.028, subdivision 3, paragraph (b), with the governing body of the city that employs the city manager to have the city make contributions to the defined contribution plan under chapter 353D, must file an election with the association within the first 60 days of commencing employment to participate in the defined contribution plan. The city manager must complete and sign a membership election on a form prescribed by the executive director of the association. Participation begins on the first day of the pay period next following the date of the coverage election. An election to participate by a city manager is irrevocable.

Subd. 7. **Volunteer or paid on-call firefighters.** Volunteer or paid on-call firefighters who are serving as members of a municipal fire department or an independent nonprofit firefighting corporation and who are not covered for that firefighting service by the public employees police and fire retirement plan under sections 353.63 to 353.68, by a firefighter relief association under chapter 424A, or by the statewide volunteer firefighter retirement plan under chapter 353G may elect to participate in the plan within the first 30 days of commencing service by completing and signing a membership election on a form prescribed by the executive director of the association. The membership election must be filed with the association within 60 days of commencing service. An eligible firefighter's election is irrevocable. No employer contribution is payable by the fire department or the firefighting corporation unless the municipal governing body or the firefighting corporation governing body, whichever applies, ratifies the membership election.

Subd. 8. **Election available only upon first hire and no prior retirement plan eligibility.** Notwithstanding any other provisions under this section, an election under this section is available to eligible participants only within the first 30 days of commencing employment or service with the governmental subdivision. If the eligible participant has previously been or is currently in a position covered by any retirement plan administered by the association to which the governmental subdivision contributed or by any supplemental pension or deferred compensation plan under section 356.24 sponsored by the governmental subdivision, then the eligible participant must not receive an election.

History: *1987 c 372 art 5 s 2; 1990 c 570 art 8 s 3; 1991 c 291 art 19 s 3,11; 1991 c 341 s 36; 1992 c 432 art 2 s 37; 1993 c 307 art 4 s 47; 1996 c 438 art 6 s 2; 1999 c 222 art 21 s 2; 1Sp2003 c 12 art 4 s 5; 2006 c 271 art 3 s 31-33; 2023 c 47 art 3 s 3; 2024 c 102 art 2 s 31; art 4 s 13; 2025 c 37 art 3 s 2-8; 2026 c 106 art 15 s 10,26*